

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

BARRACK RODOS & BACINE,

Plaintiff,

V.

BALLON STOLL BADER AND NADLER, P.C.,

Defendant.

Civil Action No. 08 CV 02152 (PKL)

MOTION FOR PRELIMINARY INJUNCTION

ELECTRONICALLY FILED

Pursuant to Rule 65 of the Federal Rules for Civil Procedure, Barrack Rodos & Bacine (“BR&B”) hereby moves this Court for a preliminary injunction to stay an arbitration proceeding before the American Arbitration Association styled *In the Matter of the Arbitration among Ballon Stoll Bader & Nadler, P.C. and A. Arnold Gershon, et al.*, AAA Claims No. 13 194 01780 07, and to enjoin defendant, the law firm of Ballon Stoll Bader and Nadler, P.C., from compelling BR&B to participate in the arbitration proceedings pending declaratory judgment of the parties’ rights. The grounds for this motion are set forth in plaintiff’s memorandum of law in support of its motion for preliminary injunction and the declaration of Daniel E. Bacine and exhibits attached thereto.

Dated: February 29, 2008

BARRACK, RODOS & BACINE

By: s/
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and

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Attorneys for Plaintiff

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[PROPOSED] ORDER

ELECTRONICALLY FILED

THE COURT having considered plaintiff Barrack Rodos & Bacine's motion for preliminary injunction and the memorandum of law in support thereof and any opposition thereto:

IT IS HEREBY ORDERED this _____ day of _____ 2008, as follows:

Barrack Rodos & Bacine's motion for preliminary injunction to stay an arbitration proceeding before the American Association of Arbitration in the matter styled *In the Matter of the Arbitration among Ballon Stoll Bader & Nadler, P.C. and A. Arnold Gershon, et al.*, AAA Claims No. 13 194 01780 07, and to enjoin Ballon Stoll Bader and Nadler, P.C. from arbitrating its claims against Barrack Rodos & Bacine pending declaratory judgment of the parties' rights is GRANTED.

UNITED STATES DISTRICT JUDGE